

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13957, of Percy L. Johnson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to use the subject premises as a twelve room rooming house in an R-4 District at premises 2200 - 1st Street, N.W., (Square 3122, Lot 25).

HEARING DATE: April 27, 1983

DECISION DATE: April 27, 1983 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located at the northwest corner of the intersection of W and First Streets, N.W. It is in an R-4 District.

2. The subject lot is improved with a three-story plus basement brick structure. A certificate of occupancy, dated February 10, 1970, was issued to permit the subject premises to be used as an apartment house with three units.

3. The immediate neighborhood is characterized by residential uses. The surrounding areas are predominantly zoned residential, although there are properties zoned SP and C-2-A scattered throughout the area.

4. The applicant proposes to use the subject premises as a twelve room rooming house. According to the Zoning Regulations, one parking space was required for the three unit apartment house and two parking spaces would be required for the proposed use. Accordingly, the applicant must provide the incremental difference, one space, on the site. The applicant seeks variance from the parking requirements, so as not to provide the one space.

5. The subject property is presently used as a twelve room rooming house. When the applicant purchased the property in 1979, the premises was a four family dwelling. Without an appropriate certificate of occupancy, the applicant converted the building and operated it as a twelve room rooming house.

6. There is a two-hour permit parking restriction in the immediate vicinity of the subject premises. Along the First Street side of the property, thirty-five feet of

street parking exists. To the south, on W Street, curb parking of 106 feet is available.

7. The applicant contended that none of the present tenants in the rooming house have automobiles or require parking spaces. Tenancy at the premises is usually highly transient.

8. In order to provide the required off-street parking pad, the applicant would have to use the yard space at the rear of the property which is now used by the tenants for recreation. Direct entry to the rear of the subject property is through an alley onto W Street, between First Street and Flagler Place.

9. A more circuitous entry to the rear is through an alley onto Flagler Place, between W and Adams Streets.

10. The applicant submitted no evidence or testimony that the property is affected by an exceptional or extraordinary situation or condition.

11. The applicant gave no indication of what difficulty he would suffer if the Zoning Regulations were strictly applied.

12. Advisory Neighborhood Commission 5C submitted no report on the application.

13. A representative of the Bloomingdale Civic Association argued that the available on-street parking is very limited in relation to the spaces needed by residents in the area. The Association contended that whenever off-street parking is required, such parking should be provided in order to alleviate the parking congestion. Because of the lack of convenient street parking, drivers are usually required to seek curb parking at distances far from their residences. The Association also contended that at least one tenant of the subject house has a car. The daily and nightly presence of a readily identifiable vehicle parked near the premises and the regular exiting and entering of the premises by the driver have been observed by a neighbor. The applicant restated that none of his roomers owned cars.

14. A petition with thirty-eight signatures was presented during the public hearing. The petition was filed by residents of the area who opposed the subject application because of increased parking congestion, the influx of transients and the potential disruptions to the neighborhood environment by rooming houses.

15. The Board finds that the only issue before it is parking, not the existence of a rooming house and its influence. As to the parking issues, there is contradictory testimony before the Board as to whether one of the present occupants of the rooming house owns a car. Such issue is not dispositive of this application. In terms of parking impact, the Board finds that there is insufficient parking in the area, that the Regulations require one parking space off-street to serve the needs of the building, and that failure to provide even that one space contributes to the overall parking congestion in the area.


CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires the showing of an exceptional or extraordinary situation or condition of the property which creates a practical difficulty for the owner. The Board concludes that the applicant has not demonstrated the existence of either such a condition or the practical difficulty. The existence of sufficient land area for the required parking pad on the subject lot clearly demonstrates that there is no practical difficulty upon the owner. The applicant has failed to demonstrate that the strict application of the parking requirement would result in peculiar and exceptional practical difficulties. Further, while none of the present tenants may have cars, there is a high turnover of tenants, and future occupants may well have cars. The applicant has not demonstrated that sufficient parking is available in the immediate area, so as to prevent adverse impact. The Board further concludes that the variance may not be granted without substantial detriment to the public good and without substantially impairing the intent and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is DENIED.

VOTE: 4-0 (Carrie Thornhill, Walter B. Lewis, Charles R. Norris, William F. McIntosh to DENY; Douglas J. Patton ABSTAINING).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: JUL 28 1983

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO  
DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN  
DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL  
RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING  
ADJUSTMENT."

13957order/KATHY7